

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JOHN GREENBERGER MACCABEE AND
SHERRY MORSE MACCABEE LIVING TRUST,

JOHN GREENBERGER MACCABEE,
Individually and as Trustee of the John
Greenberger Maccabee and Sherry Morse
Maccabee Living Trust, and

SHERRY MORSE MACCABEE, Individually and
as Trustee of the John Greenberger Maccabee and
Sherry Morse Maccabee Living Trust,

Defendants.

Adv. Pro. No. 10-05407 (SMB)

**STIPULATION FOR VOLUNTARY DISMISSAL OF
ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et. seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”) and defendants John Greenberger Maccabee and Sherry Morse Maccabee Living Trust, John Greenberger Maccabee, and Sherry Morse Maccabee (collectively, “Defendants”, and with the Trustee, the “Parties”), by and through their undersigned counsel stipulate and agree to the following:

1. On December 10, 2010, the Trustee commenced this adversary proceeding against Defendants.

2. On March 20, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181] (the “Settlement Agreement”).

3. Under the Settlement Agreement, Defendants will make installment payments to the Trustee and will execute a Stipulation for Entry of Judgment, as security for the installment payments, which will be held in escrow by Trustee and not filed unless there is a default in the installment payments which remains uncured after ten (10) business days’ notice of default to Defendants and their counsel.

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding, subject to the right of Trustee to move *ex*

parte to re-open this adversary proceeding in the event of an uncured default in the installment payments to seek entry of judgment pursuant to the Stipulation for Entry of Judgment.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: April 27, 2015
New York, New York

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*

Dated: April 13, 2015
New York, New York

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